

Durham Research Online

Deposited in DRO:

13 February 2013

Version of attached file:

Accepted Version

Peer-review status of attached file:

Peer-reviewed

Citation for published item:

Srinivasan, K. (2013) 'The biopolitics of animal being and welfare : dog control and care in the UK and India.', Transactions of the Institute of British Geographers., 38 (1). pp. 106-119.

Further information on publisher's website:

<http://dx.doi.org/10.1111/j.1475-5661.2012.00501.x>

Publisher's copyright statement:

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The biopolitics of animal being and welfare: Dog control and care in the UK and India

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2013, Transactions of the Institute of British Geographers, 38 (1). pp. 106-119.

Abstract

The UK is widely regarded as a nation committed to animal welfare. On the other hand, the precarious lives of India's stray dogs have attracted a considerable amount of international animal activist attention, and raised questions about the nation's indifference to these animals. Furthermore, animal welfare practice and policy in India are significantly shaped by British law and practice, which is often considered superior. While these contrasting reputations appear reasonable, a closer inquiry reveals complexities that belie an easy relegation to 'cruel' and 'kind'. Bringing together Foucauldian scholarship on power with legal and more-than-human geographies, this paper examines state and civil society discourse relating to the companion species, 'dog', an animal that is protected as a pet if in human homes, and controlled as a pest if out of place. In particular, this inquiry examines the discursive formations of dog control law and welfare practice in the UK and India to interrogate conventional understandings of dog (well)being. This analysis is then used as a foundation to conceptually develop Foucauldian work on biopower for the study of more-than-human relationships. The paper also draws out, from the above examination, insights connected to the political question of how humans might share physical and ethical space with animals, even those that do not enjoy the status of 'protected' or useful species.

Key words: biopower Foucault more-than-human animal law dog welfare animal geography

The UK is widely represented as 'a world leader in animal welfare' (RSPCA 2007, 5). This leadership status dates back to the colonial era, when 'the expansion of the British empire... served to spread its ruling class's concern for animal welfare' (Ryder 1989, 175). In India, for example, the first animal welfare law was introduced under the Raj, and many aspects of contemporary animal law in India are modelled after British legislation. Animal welfare organisations (AWOs) in the UK try to live up to this status, and extend their work to countries across the world to 'improve standards of animal welfare' (Dogs Trust 2011, Mayhew 2010a). This includes India, which, 'owing to the sheer size of the country and the scale of the [stray dog] problem...has...become a preferred working place for international animal welfare organisations' (Mayhew 2010b). In turn, AWOs in India not only seek

funding from UK based organisations, but also look to them for standards, models and best practices.

This reputation provides the impetus for this paper that works at the intersection of animal, Foucauldian and legal geographies through a comparative analysis of the control and care of dogs in the United Kingdom (UK) and India. It first explores how dog control law converges with the spaces and lives of stray dogs to create different possibilities for animal being in India and the UK. In the UK, the legal conception of dogs as property reinforces prevailing ideals of animal wellbeing by which dogs that are unable to live up to high welfare standards are rendered killable. By contrast, in India, the law recognizes the independent status of ownerless street dogs and so these animals are not confronted with the stark injunction to live well or die. The comparison raises questions about the image of the UK as 'a country of animal lovers' (RSPCA 2007, 68) and the kind of love implied by contemporary dog law and welfare practice in the two countries. The paper then deploys a Foucauldian biopolitical lens to study civil society discourse pertaining to euthanasia, neutering, and breeding of dogs. This analysis shows that these practices of care are intertwined with non-benign power in human-dog relationships. In addition, the paper theorises the mechanisms by which subjectification – a key feature of biopower - might be said to operate in human-dog relationships and contributes to biopolitical theory by developing this concept for the analysis of power in more-than-human domains. Throughout, the paper follows a Foucauldian understanding of discourse and practice as co-constitutive (Foucault 2002).

More-than-human, legal and Foucauldian geographies

Animal and more-than-human geographies have steadily developed as a sub-field since the mid-nineties (Wolch and Emel 1998; Philo and Wilbert 2000; Lorimer 2010). Some of this literature has looked at 'companion species' (Haraway 2003) such as dogs and elephants (Lulka 2009; Lorimer 2010). Such work often has the aim of 'autre-mondialisation' (Haraway 2008, 3), i.e., asking and theorizing how humans might live with animals in less harmful ways. To that end, in recent years, more-than-human geography (e.g., Hinchliffe et al 2005; Greenhough and Roe 2011) has drawn substantially on Donna Haraway (2008) and relational theory (Whatmore 2002) to examine the agency and subjectivity of nonhuman animals. These relational approaches have played an important role in correcting dualist ontologies that place humans as separate from and superior to animals¹. By examining how animals shape their relationships with human beings, they argue for a relational ethics that is embedded in processes of being affected by and responding to the animal.

However, highlighting animal agency and tracing the processes of "becoming" in hybrid human-animal assemblages (Whatmore 2002) is not the only way of challenging 'human exceptionalism' (Haraway 2008, 11). It remains unquestionable that the lives of animals in the contemporary world can be fundamentally affected by purely human constructs and decision-making. For example, the life of a dog in the laboratory is influenced by decision-making in exclusively human realms such as law and medicine. These influences overshadow the influence the dog might have on individual researchers by means of its agency and subjectivity. The former (human discursive formations) make the dog an experimental object that can be used for research before being killed - it is human discourse that decides what is 'necessary suffering' (Garner 2004, 85; Delaney 2003, 228) when it comes to making decisions about what sort of experiments can be conducted on the dog. The latter (dog

agency/subjectivity) might affect details such as whether the dog gets better bedding, more pain killers, or extra toys and treats (Greenhough and Roe 2011). These details are not insignificant. Yet, they have come to matter only because human discourse has put the dog in the laboratory in the first place. A relational approach might argue that it is the very nature – physical and behavioural - of these dogs that influences their suitability for medical experiments. But what such an approach underplays is how easily human discourse outweighs animal agency and subjectivity when it comes to decision-making on such matters. That is why it is equally possible for the same dog – with the same agency and subjectivity – to be cherished as a pet in a human household, or as easily, be cut open in a laboratory. It is human discourse that is often the deciding factor, even if, as noted above, relational approaches have contested this.

Accordingly, this paper revives a mode of analysis seen in early work in animal geography (Wolch and Emel 1998) and in animal ethics/studies (Ritvo 1987; Francione 2008; Palmer 2010) that attends to how humans discursively construct and materially affect animals. Such a focus by no means negates animal agency nor does it imply that animals are passive entities with lives constructed solely by human beings. Rather, it foregrounds the question of how humans think about and live with animals. This approach also aids in scaling up the analysis to the societal level as it is not contingent on the specificities of relationships between individual humans and animals emphasized by relational animal geographies. By examining law and civil society discourse in the public sphere, this paper looks at broad patterns - rather than particular or exceptional relationships - even while being sensitive to the nature and context of the inter-species relationship. As has been noted elsewhere, ethical theories that focus purely on the contingencies of individual relationships and on

personal reflection often do not account adequately for the necessity of political decision-making (Rasmussen 2011, 20). Therefore, an analytical approach that engages with human discursive activity in the public domain becomes important as contemporary social and political contexts are such that ethics is often a matter of law and societal norms, rather than personal choice or decision-making (Palmer 2010).

Lorimer (2010), in his examination of human-elephant encounters, demonstrates that interspecies companion relationships are often marked by fluctuating harm, care and indifference. This paper studies human relationships with the companion species *Canis familiaris* that can be similarly untidy: usually, if dogs are in human homes, they are cherished and protected as pets²; if they are stray and out-of-place (Philo and Wilbert 2000), they are controlled as pests. While Lorimer (2010, 495) examines various knowledge formations such as the social and conservation sciences to tease out '[t]races of human-elephant companionship...from the margins of existing work through creative reading and synthesis', here, I similarly access and critically read some contemporary legal and civil society discourses relating to human-dog relationships in the UK and India.

One domain of human discursive activity that impinges on the more-than-human world is that of law. Legal geography has theorized how the legal, the spatial, and the social are in a constant process of remaking each other, and on how legal discourse and power are interlinked, an insight that reflects Foucauldian thought (Blomley et al 2001). With specific respect to animals, Delaney (2003) examines how the lives of laboratory animals are shaped by the fact that they remain excluded from most animal protection legislation; Braverman (2011, 1702) shows how the property status of zoo animals, the special arrangements

required to house 'wild' creatures, and building laws interact so as to 'not only reflect the peculiar status of zoos and their animals, but also create it...' This literature explains that the law has profound influences on the material lives of both humans and animals. However, the legal-social-spatial nexus in the context of the more-than-human has remained underexplored in geography (Braverman 2011, 1693). This paper, thus, furthers work in geography at the interface of the law, nonhuman nature and society, by showing how the notions of place and property, and the very being of dogs, affect and are affected differently by dog control legislation in UK and India.

The paper then deploys Foucauldian ideas about biopower - 'a power to *foster* life' (Foucault 2008, 138) - to examine three human interventions associated with dog welfare and flourishing: euthanasia, neutering, and breeding. In recent years, geography has seen much interest in Foucauldian theory (e.g., Crampton and Elden 2007; Nally 2011). Foucault studied power in human realms such as prisons, hospitals and neoliberal government. This has since been extended to look at human-environment relations (e.g., Demeritt 2001; Braun 2007), and to a lesser extent, human-animal relations (e.g., Holloway et al 2009). However, this extension has not been unproblematic. The notion of self-governing subjects central to Foucauldian work on biopower has not translated easily when it comes to human relations with the nonhuman world (Youatt 2008). This paper explores this conceptual difficulty, and refines biopolitical theory for application to changing power configurations in a more-than-human world.

Methods and empirical materials

This paper draws upon two kinds of empirical material: (a) dog control legislation; and (b) discursive material about euthanasia, neutering and breeding from the websites and reports of AWOs as well as from academic and semi-activist documents. While the relevant Indian and British legal frameworks constitute the data for the legal analysis, the selection of the latter set of data - discursive material about euthanasia, neutering and breeding - was done iteratively. At first, the websites of major AWOs (dealing with dogs) in the UK and India were examined in order to collate material on welfare practice. This initial survey was used to develop the early outlines of the arguments presented in the paper. Following this, an in-depth review of Foucauldian theory helped expand and strengthen the arguments theoretically. The empirical materials were then re-examined, and specific examples selected for their value in illuminating the theoretical arguments. In general, UK-based AWOs and reports provided the clearest articulations of the kinds of discourses that are of interest to this paper, whereas the websites of Indian AWOs tended to be lighter on the discursive content. However, there is considerable transnational flow of animal welfare ideas and practices because of Britain's reputation and the international work of British AWOs. Consequently, UK based discourses have the potential to affect the lives of dogs and other animals not only in the UK, but also in India. The Indian aspects of the analysis have also been supplemented by several years of observant participation in animal welfare in India.

In general, the overall arguments of the paper are influenced by hands-on engagement with animal welfare practice for more than thirteen years, mostly in India, and to a lesser extent in the UK, as well as a lifetime of having lived alongside various domestic and stray animals. As an animal welfare practitioner, I have been involved in the practices of euthanasia,

neutering, nursing, and shelter management, dealing mostly with stray dogs and cats.

Haraway (2008, 80) emphasizes the importance of getting 'dirty and knowledgeable' in order to know and talk about animals responsibly. It is such 'always messy participation in action' (Haraway 2008, 90), along with my positioning as an academic practitioner and an Indian national who has lived in India for most of my life, that informs the close reading of the empirical materials used in this paper. My arguments rest as much on the critical analysis enabled by academic and theoretical distance, as on the authenticity of having "been there." Additionally, Allen's (2003, 2) observation that power appears in forms that are 'not always so familiar' drives this examination of the densely entangled discursive formations of dog control and care all the way through.

Dog law in the UK and India

Whereas the UK has a long history of legislation concerning dogs (Garner 2004), in India, there are two significant pieces of Central government legislation: the Prevention of Cruelty to Animals Act (PCA) (1960) and the Animal Birth Control (Dogs) Rules (ABC) (2001). In both countries, dog law can be understood as having two broad aims: dog control and dog protection. While the former seeks to regulate interactions between dogs and humans in order to address human interests (e.g., safety, aesthetics, economics), the latter seeks to safeguard the well-being of the dogs themselves³.

Controlling dogs

In Britain, the Dogs Act (1906) made it the responsibility of the police to seize stray dogs⁴ and keep them for at least seven days before disposal. The Environmental Protection Act (1990) and the Clean Neighbourhoods and Environment Act (2005) together empower local authorities to identify and seize stray dogs which can be sold, given away, sent to a re-homing centre, or euthanised if unclaimed after a seven day period.

In India, stray dog control is governed by the ABC Rules, passed by gazette notification under the PCA Act. Prior to this, stray dogs used to be electrocuted or poisoned in mostly unsystematic efforts by local authorities, a practice introduced in the mid 19th century under British rule. The ABC Rules instead specify neutering and vaccination as the approved strategy for street dog control. While they do not explicitly forbid the killing of street dogs, they prevail over all other legislation that is more 'irksome' to the animal, including state and local government regulations that provide for dog control by killing.

Protecting dogs

With respect to the welfare of dogs, in the UK, the Abandonment of Animals Act (1960) makes abandonment a cruelty offence. The Road Traffic Act (1988) requires anyone who injures a dog in a road accident to either report it to the police or provide his/her details to the person responsible for the dog. The Breeding and Sale of Dogs Act (1999) places restrictions on how often a female dog can be made to litter, at what age, the total number of litters per dog, and the age at which pups can be sold. The Animal Welfare Act (2006) introduces a duty of care that requires people to provide a suitable living environment, diet, protection from pain, injury, suffering and disease, companionship, and freedom to express

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normal behaviours to the animals they are responsible for. It also forbids tail docking in dogs except in the case of medical necessity or if the animal is certified as a working dog⁵.

In India, dog welfare is covered by PCA 1960, which repealed the 1890 Act of the same name. It requires owners to provide adequate food, water, exercise and shelter to their dogs, and makes it an offence to tie up dogs with 'unreasonably' short rope for 'unreasonable' periods of time. While the Act does not apply to 'the destruction of stray dogs in 'lethal chambers', the ABC Rules passed in 2001 (under Section 38 of the PCA) replaced killing with neutering. The ABC Rules also require dog breeders to be registered with the Animal Welfare Board of India and to maintain birth and sales records, and the Transport of Animals Rules 1978 specifies conditions to be maintained while transporting dogs by air, rail, road, and water. Draft Pet Shop Rules and Dog Breeding Rules, and a draft Animal Welfare Act, (which, like the UK Act, introduces a duty of care) are under discussion.

Being a dog

This survey shows how the extent and nuances of dog law in Britain vastly exceeds that in India, which may partly explain why Britain has gained its reputation with respect to animals. It also demonstrates how India, both before and after independence, has looked to Britain for guidance on animal welfare issues. However, careful examination of the different possibilities for dog life contained in the two legal frameworks disturbs the conventional picture of India as simply lagging behind the high standards established by the UK.

Haraway (2003) writes on dogs that are owned, showed, worked and loved by human beings. Here, I look at dogs that slip between the cracks - stray dogs - the ones that are not loved or wanted by human beings, taking forward the task that she begins in the last ten pages of her manifesto. In the UK, while there is no statutory definition of a stray dog, 'any dog found in a public place, or private place *where it should not be*, which appears to be *without its owner* and not under the control of its owner or a person representing them, may be seized and detained as a stray dog by an appropriate person' (DEFRA 2007, 4; emphasis added). In effect, dogs in Britain must belong to someone: they must be human property. If they don't appear to *belong* to anyone, or if they are *out of place*, the law requires them to be 'disposed of' (DEFRA 2007, 9). The idea that dogs are property is so deeply ingrained in the UK that an RSPCA report (Tasker 2008a) discusses the 'origins' of the stray dog problem, implying that dogs never existed in the absence of human ownership. And it is perhaps the very idea of property that allows for the categorisation of dogs as 'stray', a categorisation that led to an estimated 9310 ownerless dogs being killed by British local authorities in 2008-09 (Dogs Trust 2009a). Other work has highlighted how the property status of animals in legal frameworks has played a crucial role in furthering their ethico-political marginalization and in preventing the application of welfare provisions (Delaney 2003; Francione 2008; Braverman 2011), and the case of British dogs is no different.

In India, the ABC Rules⁶ classify dogs into pet dogs and street dogs. While pet dogs are conceived of as property, much as in the UK, with the "owner" holding responsibility for them, the use of the term "street dog" in the ABC Rules, rather than "stray dog", is significant. "Stray dog" connotes a sense of being "out of place", and "out of place" often

means illegitimacy (Philo and Wilbert 2000). The term “street dog”, in contrast, legitimizes the dog’s existence on the street. Irrespective of whether the presence of street dogs is welcomed by all humans, the fact of their existence is acknowledged and accepted in the very language of Indian law. In India, thus, dogs don’t necessarily have to be owned; they are not always already defined as human property and therefore restricted to living in the pre-determined role of human pets, working animals or experimental objects in laboratories. Dogs in India can *be* in the absence of a human owner. This is not a new trend: in Tamil, dogs on the street are called “*theru nai*”, which translates into “street” dog. What the ABC Rules do, however, is to make ownerless dogs a legal category of animal life, showing how legal discourse and the ‘socio-spatial context’ are co-constitutive⁷ (Blomley 1994, 51).

However, in making street dogs legitimate, the ABC Rules do more than just move away from the legal tradition of conceiving animals as human property. They also indirectly make ownerless dogs *not killable* (Haraway 2008). The significance of making street dogs *not killable* becomes clearer in light of the pest status of these animals. While dogs under human care, and in private human spaces, are considered pets, dogs that are on the street are regarded as potential threats to human health and safety, whether in the UK or in India. In the year 2003-2004, a total of 17,000 human rabies deaths were reported in India (WHO n.d.), and there are occasional incidents of humans being killed by street dogs (Srinivasan and Nagaraj 2007). While legislation making ecologically valuable species “not killable” is common across the world, the ABC Rules render *not killable* a kind of animal that is often regarded as a pest.

What do the Rules mean materially for dogs in India? By making the owner-free existence of street dogs lawful, dog law is simply providing de jure recognition for the de facto state of affairs: street dogs in India are commonplace, as Figure 1 shows.

There are no reliable statistics on the size and condition of street dog populations in India. While one estimate (Menezes 2008) suggests that there are around 20 million dogs on India's streets, another study (BBMP 2007) shows how unreliable such statistics are by providing the widely fluctuating figures of 70,890 and 200,000 for stray dog censuses conducted in Bangalore city in October-November 2000 and September 2001 respectively. Information about street dog deaths due to intentional killing by humans can be collated only through occasional news reports (e.g., The Hindu 2010; TOI 2010), but they are far from systematic in their coverage of such incidents. However, the existence of national legislation that deals specifically with street dogs (the ABC Rules), the presence of numerous AWOs working with street dogs (e.g., the Blue Cross of India, People for Animals, Welfare of Stray Dogs), along with the overall lack of importance given to dog statistics only testify to the ubiquitous presence of these animals on India's streets, not unlike pigeons in London (Escobar 2011). This is further evidenced by the occasional proposal, such as the recommendation (BBMP 2007) to the Bangalore municipal corporation to create stray-dog-free zones in important places such as the legislative assembly building and the High Court. Such proposals always remain unimplemented because of the near-impossibility of keeping street dogs out of any public location.

While intermittent incidents of deliberate killing of street dogs do occur, the colonial practice of state-implemented stray dog extermination has been discontinued since 2001.

Also, in 2007, a street dog killing programme was launched in Bangalore by the municipal body after street dogs mauled two children in the space of three months (Srinivasan and Nagaraj 2007); however, this drive was brought to a quick halt, and the neutering programme re-established, once the illegality of the drive was highlighted by animal activists and the general public⁸. At the national level, the Supreme Court of India stayed a judgment of the Bombay High Court permitting the killing of 'nuisance' dogs; this case is still pending in the Supreme Court (Indian Express 2009). In sum, whether it is "street" dog in India or "stray" dog in the UK, the spatial and the legal come together to materially affect animal lives, and are 'fundamental and irreducible aspects of...socio-material reality' (Delaney et al 2001, xviii).

The biopolitics of cruelty and kindness

The above analysis demonstrated that the possibilities for life available to dogs in the two countries vary significantly because dogs in India can occupy a greater range of physical (public and private) and relational (human-owned and independent) spaces than dogs in the UK. However, when it comes to the domain of dogs that are under human care – whether as pets or as street animals that are the targets of welfare interventions – the interventions of euthanasia, breeding and neutering are common to both countries. Thus, while the contrasting potentials for "dog being" opened up by British and Indian law suggest the need for caution about conventional assumptions about the superiority of animal protection standards in the UK, the analysis of "dog wellbeing" in both countries can be taken further through the consideration of discourse and practice relating to dog flourishing and welfare. Accordingly, this section works with Foucauldian biopolitical theory to complicate some of

the discussions around even those dogs that are owned and cared for, by asking whether practices of love and flourishing could be played out 'less violently' (Haraway 2003, 7).

The concepts of discipline and biopower were central to Foucault's account of a shift in the mechanisms of power in the eighteenth century. Earlier forms of sovereign power, Foucault notes, were based on the right of the Sovereign to take life and were often enacted in public displays of violence. However, their centrality was gradually displaced by mechanisms of discipline and biopower that focused on regulating and fostering life at the level of the population. This focus on life and well-being did not mean that violence and killing disappeared. Rather, they remained complementary to the task of fostering and managing life. What changed was the justification: violence was no longer merely in defence of the sovereign, but on 'behalf of the existence of everyone...in the name of life necessity' (Foucault 2008, 136). Foucault suggests that biopower intervenes in individuals in order to regulate populations, and works through biological and social-scientific knowledge systems that describe and prescribe normal traits in a population.

Foucault was primarily interested in power in human relationships. While over the years many authors (e.g., Demeritt 2001; Whitehead 2009) have used the concepts of biopower and governmentality to examine environmental issues, the nonhuman is rarely a locus of concern per se. Nevertheless, as Wadiwel (2002, paragraph 2) points out, the absence of the nonhuman in Foucauldian scholarship 'is not due to any essential poverty in the potential scope of Foucault's [work...but] to the tradition of politics itself...which has, by and large, exempted the non-human being from agency as a political being.' In particular, biopower, with its focus on managing life, has much to offer to the study of how nonhuman life figures

in contemporary society. Hannah (2011, 9, 11) clarifies this by noting that the theme of care running through Foucault's work on biopower implies that biopower applies to all sentient beings, particularly animals.

Not surprisingly then, Foucault's ideas are being extended to look at power in human-animal relationships (Holloway et al 2009; Thierman 2010). Such work has expanded the meaning of 'biosocial collectivities' (Rabinow and Rose 2006, 197) to include more-than-human assemblages of both humans and animals, 'in which what is at stake in a set of social relationships [are]... fundamentally biological issue[s]' (Holloway et al 2009, 397). Building on this literature, the rest of the paper examines understandings of euthanasia, breeding and neutering as practices of care and flourishing (in contrast to practices directed at serving human safety, aesthetic and economic interests) using Rabinow and Rose's (2006, 293-3) clarification of the three elements of biopower: 'a form of truth discourse about living beings and an array of authorities considered competent to speak the truth; strategies for intervention upon collective existence in the name of life and health; modes of subjectification, in which individuals can be brought to work on themselves, under certain forms of authority, in relation to truth discourses, by means of practices of the self, in the name of individual or collective life and health.'

Live well or die

AWOs in the UK do not support the regulations that require stray dogs to be 'disposed of' (DEFRA 2007, 9). Nevertheless, they are involved in killing as an act of caring and responsibility: the RSPCA alone "euthanized" 1595 healthy dogs in the year 2008 (RSPCA 2008, 61). While it is true that the existing legal framework does not leave AWOs with many

options for dealing with ownerless dogs, welfare discourses also present such killing as necessary 'in the case of animals that cannot be rehomed, or to avoid overcrowding in shelters' (Tasker 2008b, 4).

There has been much debate within the animal welfare community about the euthanasia of healthy dogs (Garner 2004, 91-92). An increasing number of shelters adopt a no-kill policy in the UK. Yet, even 'no-kill' shelters euthanize animals that they cannot re-home, for instance, because of behavioural problems, or because they fall under Dangerous Dogs Act (which makes it illegal for certain 'breed types', such as the pit bull terrier, to live in the UK). Also, the laws that make stray dogs illegal in the UK have remained unchallenged, and no animal welfare practitioner suggests that life as a "stray" might be one option for dogs in the UK. Law and welfare practice continually reinforce each other.

So "euthanasia" clearly can be an intervention in the name of the life and welfare of dog individuals and populations, with truth discourses about dog wellbeing put forth by a range of authorities, including AWOs. These truth discourses suggest that dogs 'are unable to cope, out of place, and (perhaps) better off dead' if not under human care (Palmer 2006, 181). Such truth discourses are not unquestioned, and it has been pointed out that stray dog populations thrive in different locations across the world, whether contemporary Russia or India, or in Britain not long ago (Palmer 2006, Rollin and Rollin 2001). Nonetheless, stray dogs, and increasingly, cats⁹, are "euthanised" on the grounds that 'the animal would...endure long-term suffering through deprivation of basic needs' if they were to remain ownerless (RSPCA 2010, 16). While "euthanasia" of ownerless dogs is not obligatory

in India, the influence of such welfare discourses such as these have led to a growing number of practitioners questioning whether street dogs lead fulfilling lives.

On neutering

While India's ABC Rules reflect a different mode of thinking about and relating to ownerless dogs, truth discourses about the necessity of managing stray dog populations continue to prevail, and killing is replaced by the practice of neutering – castration in males and ovariectomies in females. In the UK too, where “stray” dogs are not permitted to exist, there are campaigns to encourage the neutering of “pet” dogs; furthermore, it is standard procedure in AWOs to neuter all animals that are re-homed. AWOs in the UK also advocate neutering as a best practice for managing street dog populations in other countries (Mayhew 2010a). Neutering is now integral to animal welfare (Tasker 2008a, 36-7).

In India, AWOs usually promote neutering as an alternative to killing as an animal control strategy (PFA 2010; VSPCA 2010). But in the UK, the advocacy of neutering is such an ingrained part of welfare discourses that it is encouraged on the grounds that it is intrinsically good for the dogs themselves. In India too, it is increasingly common for animal welfare practitioners to advocate neutering as a welfare intervention that improves the lives of the animals, and that prevents suffering.

At the level of the population, it is believed that stray dogs must be controlled because ‘scavenging for food, competing for limited resources and lack of veterinary care result in malnutrition, injury and disease’ (Tasker 2008a, 3), and because ‘population

management...ultimately leads to an improvement in the welfare of the dog population as a whole' (ICAM 2007, 3). At the level of the individual, animal welfare discourses suggest that individual dogs (and cats (Celia Hammond 2010)) stand to benefit from castration and ovariohysterectomy: according to the Dogs Trust (2010) neutering prevents cancers, uterine infections and false pregnancies, and removes the health risks associated with pregnancy and childbirth. In short, 'neutered pets will, on average, live longer, healthier lives than unneutered ones' (The Blue Cross 2010).

While the tactical reasons for the advocacy of neutering can certainly be understood – to avoid situations in which killing is called for by the state or public – the claim that castration and ovariohysterectomies, and the accompanying processes of violent capture, are unambiguously good for the individual animal is questionable¹⁰. The debates about its merits (Garner 2004; Palmer 2006; Elliot 2008) have not deterred its enthusiastic promotion by AWOs as best practice. In any case, irrespective of what the actual benefits or harms of neutering might be, castrating or removing the ovaries and uterus of an otherwise healthy animal is certainly a biopolitical act in that it intervenes in basic life processes – sexuality and reproduction – on the basis of a set of truth discourses about how to regulate the wellbeing of dog individuals and populations.

The ontological choreography of breeding

Neutering goes hand in hand with controlled reproduction, where only certain dogs are allowed to procreate, and then only with partners chosen (and possibly imposed) by their human owners (Palmer 2006). Thus, on the one hand, dogs are killed or neutered to deal with the problem of "unwanted" animals, while on the other, human-controlled breeding

continues to be a common practice. The products of such breeding - pedigree dogs (dogs belonging to specific breeds, with or without pedigree certification) - are valued in both India and the UK for their physical and behavioural characteristics, and as status symbols.

Dog breeding involves human intervention in dog reproduction, and has as its objectives the development and enhancement of specific physiological and behavioural traits favoured for aesthetics or efficient performance in tasks such as hunting, herding, and racing (Ritvo 1987, 104-115). Breeding takes on the contours of an art form (Lulka 2009), with human sculptors exerting control over choice of mates, techniques of mating, number and frequency of pregnancies, and the fates of the newborns, in a process of 'ontological choreography' (Thompson 2005). Such sculpting of dog bodies through reproductive control has serious impacts on the bodies and lives of these animals (Asher et al 2009). For instance, selective breeding to achieve the flat faces of pugs and bull dogs can lead to breathing problems and damaged tear ducts, while inbreeding leads to conditions such as hip dysplasia, spina bifida, and occipital dysplasia, to name but a few (APGAW 2009).

While there are more than 400 recognized dog breeds in the world, this level of "diversity" within the species can be largely attributed to cultural and economic factors (Ritvo 1987; Lulka 2009). Left to themselves, dogs would reproduce across human-influenced breed categories, 'employing different criteria' for partner choice (Haraway 2003, 67). Therefore, in the contemporary world, dog "breeds" are more or less a construction of the human imagination - of human discourse – with material impacts on the bodies and lives of dogs.

Biopower involves normalisation of populations, and breeding is an activity aimed at such normalisation. It is a classic example of the power-knowledge nexus, where ‘truths’ about animal lives ‘are articulated and put into practice...’ (Holloway et al 2009, 405). These include “truths” about what facial structure looks “good”, whether a particular breed is better off with its tail docked and ears cropped, whether another breed is meant to work or race, and yet another breed is meant to guard or herd or just be cuddly. Breeding, along with neutering, lies in the domain of reproduction, which is a ‘biopolitical space par excellence’ (Rabinow and Rose 2006, 208).

While animal welfare discourses critique “harmful” breeding practices and encourage the adoption of “cross-breeds”, they do not question human intervention in dog breeding itself. For example, the RSPCA (Tasker 2008a, 3) notes that stray animal management requires, among other things, ‘controlled reproduction of pets and the prevention of overproduction of pets through regulated breeding and selling.’ Similarly, when specific practices such as inbreeding are criticised, the objective appears to be to ‘safeguard the future of pedigree dogs... [for which]...changes¹¹ in breeding...practices are urgently required’ (Rooney and Sargan 2008, 7). The idea that allowing dogs to reproduce freely might address these problems is rarely acknowledged in most canine-human circles. Breeding as a key part of human-dog relationships seems to be taken for granted, along with the idea of “pedigree” or dog “breed”. The very terms “mixed breed” or “cross-breed” imply that these ‘category deviants’ (Haraway 2003, 4) necessarily have to belong to breeds. While there are organisations that advocate against pedigree breeding, and encourage the adoption of “rescue dogs”, even they end up articulating and reinforcing taken-for-granted notions

about breed: as the Dogs Trust offers to potential adopters, their staff will be 'happy to give you their experience of all breeds' (Dogs Trust 2009b).

The operation of biopower in human-animal relationships

Referring back to Rabinow and Rose's (2006, 203-4) schema, it is clear that "euthanasia", neutering and breeding clearly exemplify (i) forms of truth discourses about living beings; and (ii) strategies for intervention upon collective existence in the name of life and health. However, there is not such a clear case for (iii) 'modes of subjectification in which individuals work on themselves' in the context of human-nonhuman relationships. As other authors have noted, it is difficult to explain how animals might internalise anthropogenic discourses about their bodies and being, and regulate themselves to conform to these truth discourses (Youatt 2008). For instance, it is difficult to argue that dogs offer themselves up for castration and ovariohysterectomies after internalising discourses about the benefits of these surgeries. So is self-reflexive subjectification in animals always already implausible?

Subjectification in nonhuman animals

First, subjectification as self-government cannot be completely dismissed when it comes to animals. While subjectification is often understood as the internalisation of linguistic truth discourses, it is useful to remember that in Foucault's understanding, discourse goes hand-in-hand with non-discursive practice. The lives of many animals are shaped by humans either by selective breeding and/or disciplinary techniques to such an extent that they are

arguably unaware of alternative ways of being, and therefore govern themselves according to anthropogenic norms. This would explain a caged bird that doesn't fly away when released or a horse that does not throw off its rider. These forms of subjectification are also at times accompanied by displays of animal resistance, like the case of Tilikum, the orca, who killed his long-time trainer during a performance (Pilkington 2010). Thus, while claims about the subjectification of nonhumans are not unproblematic, they cannot be rejected out of hand.

Geographers and other authors have attempted to demonstrate subjectification in some human-animal contexts, for instance, with reference to animals raised for meat. Holloway et al (2009, 405) argue that relational biopower is seen in human-livestock relationships when humans work upon animal bodies after internalising discourses about animal productivity and meat quality. Twine (2007, 110) contends that self-regulation might be seen in how animal bodies are genetically modified to work towards their own death and consumption. However, in these cases, human interests are the ultimate objective. Subjectification happens with respect to technologies for maximising animal productivity to meet human interests, and human actors intervene forcibly in animal bodies to achieve these ends. Care for the animal is not a primary objective here.

The interventions examined in this paper, as well as many environmental interventions (such as culling individual animals in order to protect the population or ecosystem), are not based on purely human interests. As we saw earlier, one principal biopolitical characteristic of euthanasia, neutering and breeding is that they can be practised in the name of the wellbeing and flourishing of the dogs themselves. If nonhuman subjectification in these

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cases is problematic, what are the mechanisms underlying what appear to be biopolitical interventions on nonhuman lives?

In addressing this question, I propose a schema that distinguishes three dimensions to the exercise of power, whether in human or nonhuman domains: *the objectives of intervention* (who/what benefits and how); *the agent of intervention* (who/what wields the techniques of power); and the *target of intervention*. For example, in the case of the killing or neutering of stray dogs, the objectives of the power interventions would be human safety and/or dog welfare; the agents would be the state and/or AWOs; and the targets would be the dogs.

This disaggregation does not refer to power as an abstraction, but to specific interventions of power. Also, distinguishing between the agent and target of interventions does not deny agency to the target. In any relationship, power fluctuates between various entities, with each entity exerting influence and resistance of varying kinds and degrees. Such essentialist distinctions for the sake of conceptual clarification are made only with reference to specific interventions. For example, when my dog whines (intervention) till she is allowed onto the bed, she is the agent of intervention, I am the target, and the objective is her comfort. But when I get her neutered (intervention), I am the agent of intervention, she is the target, and the objectives are to make it convenient for me to care for her and to prevent pet “overproduction”.

This schema is the basis for my contention that subjectification at the site of the *target(s)* of power interventions, i.e., subjectification in the sense of *self-regulating subjects*, is not necessary for the exercise of biopower. Even though the production of self-governing

subjects in the working of power is an underlying theme in Foucault's work, in his main writings on biopower (Foucault 2003; 2008), subjectification in the sense of self-governing subjects is not discussed much. It is only in later work on governmentality that he explicitly talks about technologies of the self that make the target(s) of power govern themselves (Golder and Fitzpatrick 2009, 32). Moreover, Foucault was always modifying his ideas which he regarded as 'game openings...and not as...dogmatic assertions that have to be taken or left en bloc' (Foucault 1991, 74). In this constructive spirit, I develop earlier biopolitical analyses of the more-than-human (Youatt 2008; Holloway et al 2009) by arguing below that where self-reflexive subjectification, i.e., subjectification at *the site of the target(s) of intervention*, is not evident, biopolitical techniques can operate by means of subjectification at another *site*: the site of the *agent of intervention*. I illustrate this conceptual extension using the analyses of euthanasia, neutering and breeding undertaken in this paper.

Agential subjectification

As noted earlier, subjectification as self-regulation in dogs is implausible when it comes to the interventions of "euthanasia", neutering and breeding. However, subjectification as a phenomenon is not absent in these interventions; rather, it is seen at a different site, that of *the agents of intervention*, whether they be animal welfare practitioners promoting neutering and euthanasia, or dog enthusiasts condoning or supporting breeding.

Such *agential subjectification* takes place when animal advocates and animal welfare practitioners internalise norms, discourses, and practices that were initially introduced as tactical measures to deal with the existing politico-ethical context (for example neutering as a alternative to the earlier practice of killing for animal control), or are so deeply rooted in

history, culture and economics that they are difficult to challenge (such as breeding). The objectives and rationalities of the interventions undergo metamorphosis, and the very same practices come to be seen in terms of the being and wellbeing of the animal (rather than human interests such as public health or aesthetics). These practices and norms come to be perceived as necessary for the animals themselves – at the individual or collective levels. As Foucault (2008, 136) points out, the transition from sovereign to biopower does not necessarily mean reduction in harmful interventions, but rather change in their justification (or stated objectives). Here, these changes in justification take place through agential subjectification which involves the internalisation of truth discourses and practices relating to animal being and wellbeing, and allows for the understanding of practices of harm as practices of care. It is through such subjectification at the site of the human agents of intervention, that biopower might operate in more-than-human biosocial collectivities¹².

For instance, in the case of breeding it is clear that Kennel Clubs have a sovereign (economic) interest in promoting breeding. But when breeding is justified in terms of love and care for the animal, agential subjectification can be identified. Haraway (2003; 2008), for example, celebrates dog breeding as part of a long history of human-dog co-evolution in which the continued “flourishing” of breeds is dependent on human intervention in dog reproduction, and the knowledgeable love with which many breeders breed and sell their dogs. It cannot be denied that many pure-bred dogs have caring breeders and owners. But Haraway (2003, 80) herself acknowledges the ‘hells and limbos of commercial puppy production and backyard breeding... [and the] controversy [that] reigns over what constitutes responsible breeding...’ Furthermore, even caring breeders are caught up in pet commodity markets, and as discussed before, even exacting welfare laws like in the UK fail

to regulate dog breeding to meet Haraway's standards (APGAW 2009; Asher et al 2009).

Caring breeding practices are also more often the exception than the rule; they don't really reflect the existing socio-economic-political context (Palmer 2010, 106-114). Moreover, just because dogs and humans have co-evolved in a certain fashion, it does not follow that things ought to continue in the same manner; history is replete with examples of co-evolution of different human groups where such co-evolution has resulted in intra-human relationships that are deeply problematic, and the same is true of human-nonhuman relationships.

The "flourishing" of breeds can only matter as far as human interests are taken into account. As discussed earlier, contemporary dog breeds are material and discursive constructs of the human imagination. It might matter to me, and to other Labrador enthusiasts, that the breed flourishes over time. But it is doubtful that the individual dog categorized as "Labrador" is aware that it is a "Labrador". It might well require special types of food, exercise, and Labrador-specific training to lead a fulfilling life in contemporary society, but we cannot know whether it is aware of being a Labrador, or cares about the flourishing of the breed. Existing social and political contexts are such that breeding practices, more often than not, create physiological and experiential vulnerabilities in animals (Palmer 2010). Thus, the belief that breeding is inherently good for the animal (as different from meeting human aesthetic, affective or economic interests) might well be attributed to internalisation of spoken, observed and practiced truth discourses about dog being. The same goes for many instances of neutering and euthanasia done in the name of dog wellbeing, interventions that I myself have for long unquestioningly advocated and carried out (and continue to) in my role as an animal welfare practitioner.

So in these contexts, subjectification at the site of the (human) agent happens with respect to animal ontology itself, and about what is good for the animal (rather than human interests): the humans involved here are undoubtedly concerned about the animals that they are intervening in, and the objective is animal flourishing. This, then, is the kind of subjectification that biopower is widely associated with, where care and harm are knotted up together.

From sovereign power to biopower

Neutering, “euthanasia” and breeding can also be understood in certain contexts as exercises of sovereign power in which humans, for their own interests, take or tinker with animal lives with impunity. Examples include the Dangerous Dogs Act in the UK, the 2007 Bangalore stray dog killing drive (Srinivasan and Nagaraj 2007), and the promotion of neutering as a means of dog control. In all these examples, dogs are euthanized or neutered in order to address objectives related to human health and safety. Breeding is often undertaken to address human aesthetic ideals and economic interests. So how is it that such interventions of sovereign power appear as biopower in other contexts?

The emergence of biopower can be traced to a time when there was a questioning of the power that the sovereign had over the life of the population (Foucault 2003, 241). While acts of violence did not disappear, they came to be discursively associated with the wellbeing of the population. In the case of human-animal (dog) relationships, a similar process is discernible. Relations of sovereign human domination still prevail but there is also growing concern for animal welfare and sentience. For example, in the UK, legal frameworks

require ownerless dogs that might otherwise live autonomously to be 'disposed of' (DEFRA 2007, 9), and neutering is strongly advocated for owned dogs, even while the Animal Welfare Act guarantees the freedom to exhibit normal behaviours (which arguably includes reproduction) to pet dogs, among other animals. In India, the ABC Rules make it illegal to kill street dogs, and yet, make it permissible for them to be castrated or spayed.

The co-presence of such conflicting ways of relating to animals reflects tension between a) emerging sensitivity to animal suffering and wellbeing, and b) the difficulties in moving away from existing notions of human wellbeing, aesthetics, and exceptionalism. These tensions, I argue, are associated with agential subjectification and are productive of biopower in human-animal relationships where techniques of sovereign power used to prevail. Processes of agential subjectification serve the function of resolving such tension, and enable non-benign human interventions in dog lives by linking them to truth discourses about dog flourishing.

Therefore, previously, stray dogs could be killed and unwanted puppies drowned publicly and without hesitation in exercises of sovereign power simply because they were nuisances and seen to interfere with human interests. In the contemporary world, however, they are humanely euthanised in the privacy of shelters because they cannot lead fulfilling lives on the street; or they are neutered in order to spare them the risks associated with pregnancy and delivery and to prevent unwanted individuals from being born - even while carefully chosen individuals are bred through human control in order to ensure the flourishing of breeds. The practice of neutering, in particular, clearly exhibits such changing rationalities: while initially it was brought in for reasons of human convenience (neutering makes

dogs/cats easier pets and prevents unwanted pregnancies), it is increasingly advocated in the interests of the animals themselves. Such shifts in justification reflect the transition from sovereign to biopolitical power and need further critical interrogation.

Conclusion

This paper has undertaken a legal geographical examination of dog control, tracing how place and the concept of property intersect in law to materially influence dog lives differently in the UK and India. In India, the legal sanction given to dogs on the street supports opportunities for dog life that are not available in Britain. This, then, is a form of interspecies cohabitation in which dogs that are caught up in neither 'economies of affection' (Haraway 2003, 38), nor economies of utility, live alongside humans who might love, revile, fear or be indifferent to them. In this kind of "living with", animal autonomy does not necessarily imply spatial separation or wildness. At the same time, animal (well)being is not contingent on direct human love and care. This is a real-life example of Wolch's (2002) zoöpolis and Acampora's (2004, 231) '*oikos* without *domus*', where humans and animals live as co-residents in shared spaces. While Acampora and Wolch discuss these concepts with respect to wildlife that re-inhabit human settlements, this paper discussed a non-exotic, non-wild species that is usually considered a pest when it inhabits public spaces.

Such a living with 'harbours no pretence of utopian perfection' (Acampora 2004, 230).

Indian street dogs struggle for food and shelter, get run over by automobiles, and are victims of accidental and intentional human cruelty. In turn, they pose threats to human safety and aesthetics, with rabies, mauling, and dog faeces being just a few examples. But ownerless dogs are allowed to live, nonetheless, as "street dogs", rather than being killed as

“stray dogs”. The analysis thus shows how the legal, the social, the spatial, and the more-than-human come together in processes of material and discursive co-constitution. It also shows that zoöpolis or *oikos* without *domus* involve interspecies sharing of physical and ethical space that is not predicated on models of complete care or of complete insulation from risk.

The paper then turns to a biopolitical analysis of euthanasia, neutering and breeding, demonstrating how care and harm are deeply entangled in these practices. Such interventions and associated discourses flow across borders, and are co-present with and trouble the potential for multiple more-than-human physical and relational spatialities – for zoöpolis - seen in India. The ‘toolkit of biopower’ (Hannah 2011, 10) helped identify the possible working of harmful power in the seemingly benign practices of neutering, welfare-justified euthanasia, and reproductive control. It may well be that these practices of intertwined care and harm cannot be immediately discontinued. Yet, it is important to be aware that they are not always the only or best possibility, even in a less-than-perfect world. The immersion - of people who care about and for dogs - in daily practices has much value in fostering familiarity with the complexities and contingencies of these relationships. Yet, such immersion can restrict vision to the boundaries of what is expedient or acceptable in the existing political and ethical context. The analytical lens of biopower facilitates a stepping-back from the immediate that can be necessary for critical and creative thought, and so has much value in the study of human-animal relationships.

The empirical examination of these interventions informed a reworking of the concept of subjectification. Moving away from the existing view of subjectification as necessarily

involving self-government, this paper argues that such processes can also manifest at the site of the agent of intervention. Thus, subjectification can take two forms: self-governance or agential subjectification. Finally, the paper calls attention to the tension between prevalent human ethico-political supremacy and emerging concern for animal wellbeing. It suggests that this tension might be productive of biopolitical forms of power in human-animal relationships, and that this productivity requires further exploration.

Acknowledgements: This paper stems from critical reflection on my experiences in animal welfare practice in India and the UK. I am deeply appreciative of the work undertaken by AWOs in these countries, and am grateful for the opportunities I have had to work in association with some of them. A substantial part of the conceptual framework for the paper was developed during the 2010 Human-Animal Studies Fellowship programme conducted by the Animals and Society Institute where discussions with Tom Tyler and Stephen Humphreys played a key role in sharpening the theoretical analysis. I also thank Jamie Lorimer, Alasdair Cochrane, and the three anonymous referees for their detailed feedback. Finally, I would particularly like to thank David Demeritt for comments on multiple drafts of this paper.

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¹ I use the terms “animal” and “human” instead of the more accurate “nonhuman animal” and “human animal” in the interest of brevity.

² I retain “pet” (rather than “companion animal”) and “owner” as these terms better reflect the relationships people in general have with their animals. People across the world kill, abandon, buy, sell, and breed their pets

- practices that do not go with the connotations of the term ‘companion’. Animals kept as companions are seen as primarily as possessions, prized perhaps, but possessions nonetheless, that are treated according to the convenience and capacities of their humans.

³ There is overlap between these objectives; e.g., identity tags serve the dual purpose of tackling the problem of stray dogs as well as reuniting lost dogs with their owners.

⁴ There is much legislation relating to the control of owned dogs that does not fall under the purview of this analysis.

⁵ Tail docking is banned in Scotland unless for medical treatment.

⁶ The PCA 1960 uses the term “stray” dog like the 1890 Act. An email discussion with the (then) Central Government Minister (and animal activist) who initiated and saw through the passing of the ABC Rules reveals that there were no specific deliberations about the change in terminology to “street dog”. This absence of conscious discussions on terminology only indicates that the change reflects daily ways of thinking about and relating to dogs.

⁷ I thank Tom Tyler for pointing this out.

⁸ However, there are civil society groups such as Stray Dogs Free Bangalore and People for the Elimination of Stray Troubles that lobby for the complete elimination of street dogs from India.

⁹ Cats are targeted by biopolitical practices such as euthanasia and neutering although they thrive even today without human care (Celia Hammond 2010).

¹⁰ Knowing what animals want is complicated because humans and animals don’t share an unambiguous mode of communication. This inability to know with certainty makes it all the more important to constantly query what is done in the name of animal wellbeing: allowing the “knowing” problem to paralyse all critical thought and action only serves to maintain the status quo. Hence, by ‘paying attention to what the dogs [and other animals] are telling [me]...’ (Haraway 2003, 48) and by deploying ‘somatic sensibilities’ (Greenhough and Roe 2011), I use my embodied encounters with animals and wider reading on animal sentience (Dawkins 2006) to arrive at always tentative understandings about animal/dog well-being. Yet, as this paper argues later, I am mindful of processes of subjectification and of the consequent need to be watchful of the influence of human interests on decision-making about and for animals.

¹¹ Such as testing for genetic disorders, careful partner selection etc (Haraway 2003).

¹² It is possible to identify similar processes in human biosocial collectivities. The forced sterilization camps conducted in India during the Emergency (1975-77) can be attributed to agential subjectification on the part of the architects of the programme. The camps were premised on the belief that poverty and human suffering in India could be addressed only by controlling population growth.